

REMARKS

The claims previously examined in the April 9, 2007 Office Action have been rewritten as new set of claims 66 through 84. The reasons for this rewriting are in part to present the main independent claims 66, 79 and 80 in a clearer fashion highlighting the novel and non-obvious combination that constitutes Applicants' invention. In further part, these claims have been rewritten in order to meet certain objections from the Examiner as to indefiniteness and in particular claims 76 and 77 which correspond to rejected claims 58 and 59 represent revised language to meet this objection. Finally, the dependency sequence of the claims is clearer to follow in the rewritten form.

The Examiner has found allowable subject matter in those claims, such as claim 43, which are directed to the flexible separating prong. Applicants point out that claims 67, 69, 71, 73, 74, 75, 77, 79 and 81 have this limitation. Thus, Applicants believe these claims are allowable.

Independent claim 79 has this flexible separating prong limitation. Independent claims 66 and 80 as well as dependent claims 68, 70, 72, 76, 78 and 82-84 are believed to be allowable for the following reasons.

The Examiner has rejected claims having the scope of claims 66 and 80 and the dependent claims referenced above as being anticipated by Callol '628. Applicants respectfully request reconsideration of this rejection for the reasons referenced below. Callol '628 does not teach all of the elements of the claimed invention.

New claim 66 corresponds to an amended claim 65. The following specific limitations are highlighted in this argument to contrast with the teachings of the Callol reference. Those limitations are:

a. The limitation that the tube and companion member are in contact with one another along the predetermined zone.

b. The limitation that the linear engagement member extends longitudinally within the "sidewall" of the tube and "through" the companion member.

c. The limitation that the proximal most end of the linear engagement is embedded in the sidewall of the catheter.

It is respectfully submitted that none of these three features are shown in Callol '628 and further that these features provide a utility to Applicants' invention which does not exist in Callol.

Callol does not teach that the long and the short balloons (530, 531 of FIG. 59) abut against each other or contact each other. By contrast, the tube and companion member in Applicants' device, as recited in the independent claims 66 and 80 (as well as independent claim 79) (and supported at page 12, lines 16-32 of Applicants' specification) are set forth and claimed as "coupled to and contacting one another at surfaces thereof along a predetermined zone".

In a dialysis context, as well as in most other contexts, the contacting of the two catheters along the zone where the linear engagement members are holding them together provides for a minimum profile for a device that has to be inserted in a patient's body.

The joining wire 536 in Callol (shown in FIG. 59) is threaded through staggered holes in the distal portion of the catheter members and is shown as longitudinally extending through the catheter lumen. By contrast, in Applicants' design, the linear engagement member extends longitudinally within the sidewall of the tube. This distinction is important to assure that the linear engagement member does not obstruct flow through the catheter and is not the basis for the growth of occlusion.

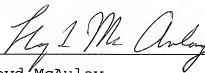
Applicants' main claims 66, 79 and 80 call for the proximal most ends at the end of the linear engagement member to be "embedded in said sidewall of said tube". This means that the proximal most end is sealed in the catheter wall until or unless the wall is cut at the location of the proximal end of the linear engagement member, as described at page 13, lines 1-8 of Applicants' specification. This provides a fail safe feature to assure that the two catheters, in a dialysis application, are moved only when intended by the medical personnel.

Callol '628 teaches that the proximal end of the joining wire 536, illustrated in FIG. 59, is locked into place in the proximal hub by a locking mechanism; see col. 28, lines 8-10. This locking mechanism functions to keep the joining wire releasably secured in place in the bifurcated catheter 140 during advancement to the catheter (col. 28, lines 8-10). Callol specifically teaches that the joining wire is not sealed in the catheter.

Accordingly, Applicants believe that all of the claims in this case are in condition for allowance and such is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 50-1529.

Respectfully submitted,



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